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INTERNATIONAL LAW

SECURITY COUNCIL
Fifty-first year

Letter dated 16 July 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to request that you have the attached letter, dated 12 July 1996 (see annex), and its appendix, which were sent by Mr. Ricardo Alarcón de Quesada, the head of the Cuban delegation to the meetings of the Council of the International Civil Aviation Organization (ICAO), held on 26 and 27 June 1996, addressed to Mr. Assad Kotaite, President of the ICAO Council, as official documents of the fiftieth session of the General Assembly, under agenda item 140, and of the Security Council.

The reference documents were given to the President of the ICAO Council in accordance with the provisions of paragraph 9 of the resolution adopted on 27 June 1996, by the ICAO Council, which requests Contracting States to inform the Council of any violation of the rules contained in the Convention on International Civil Aviation.

(Signed) Bruno RODRÍGUEZ PARRILLA
Ambassador
Permanent Representative

96-18128 (E) 220796 220796 230796

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ANNEX

[Original: English and Spanish]

Letter dated 12 July 1996 from the head of the Cuban delegation to the meetings of the Council of the International Civil Aviation Organization, held in Montreal on 26 and 27 June 1996, addressed to the President of the Council

Pursuant to the provisions of paragraph 9 of the resolution adopted by the ICAO Council on 27 June 1996, which requests the contracting States to notify the Council of any violation of the rules set forth in the Convention on International Civil Aviation, I have the honour to inform you of the following.

On 2 July, I sent you a note dealing with our concern at what happened on 25 June 1996 at 9.24 a.m., when a United States Government aircraft flying within the Havana flight information region (Havana FIR), without due coordination, endangered the safety of air navigation in this region (see A/50/990-S/1996/520, annex).

Once again, on 11 July 1996 at 9.24 a.m., Cuba's radar system detected the flight of an unknown aircraft operating in the Havana FIR.

At 9.30 a.m., as is now usual, the Havana Air Traffic Control Centre (Havana ATC) sent a message to the Miami ATC, reporting the presence of said aircraft in Cuba's FIR and requesting information and cooperation to identify that flight. In its message, the Havana ATC provided the coordinates, speed, course, transponder code used by the unknown aircraft, and its origin. At 9.59 a.m., a reply was received from the Miami ATC indicating that it was a "United States Government aircraft operating at request in the area, with transponder code 5400".

Since the flight of the unknown aircraft belonging to the United States Government continued, at 11.36 a.m. the Havana ATC sent the Miami ATC a second message in which it reiterated that the aircraft, coming from the Miami FIR, was still flying perilously, without contacting the Havana ATC, crossing international corridors and coming dangerously near to three civilian aircraft in transit within the Havana FIR despite the actions taken by Cuba's Air Traffic Service. We reiterate our concern at these increased flights and the need for appropriate coordination of activities that pose a potential danger to civil aircraft operations.

At 9.33 a.m., a Boeing-737, of TACA International Airlines, Flight No. 370, en route from Belize to Miami, flight level 290, sighted a United States Government aircraft when both were some 25 nautical miles south of MAXIM.

A second Boeing-737, belonging to Líneas Aéreas Costarricenses (LACSA) Flight No. LRC-629, en route from Miami to Managua, at 10.39 a.m., came across a United States Government aircraft at flight level 290, less than five nautical miles away, on a position some 20 nautical miles south of TADPO.

The captain of LRC-629 reported sighting a DC-8 - or Boeing-707-type aircraft. At 10.54 a.m., a third Boeing-757-type aircraft belonging to the United States Challenger Air Cargo airline, Flight No. CWC-095, en route from Miami to Guayaquil, at flight level 302 feet, climbing to 330 feet, south of URSUS, came across a United States Government aircraft only five nautical miles away.

In view of this new incident, we believe that it is necessary to draw the attention of the ICAO Council to the danger posed by these flights to the safety of air navigation. In view of the increased frequency of these flights by United States Government aircraft within Cuba's FIR without due coordination, I reiterate the need to prevent an air disaster in the region.

We hope that ICAO will take the necessary measures to prevent further violations of the norms and regulations that have been enacted to ensure the orderly and safe flow of international air traffic.

I am enclosing herewith a copy of the messages exchanged between the Havana ATC and the Miami ATC (see appendix).

(Signed) Ricardo ALARCÓN de QUESADA
Head of the Cuban delegation
to the meetings of the ICAO Council
held on 26 and 27 June 1996

APPENDIX

Note dated 12 July 1996 from the Vice-President of the Institute of Civil Aeronautics of Cuba to the Administrator of the United States Federal Aviation Authority

The aim of this note is to draw your attention to the dangerous flight carried out by a United States Government aircraft within the Havana FIR on 11 July 1996.

On 2 July 1996, I sent you a note in which I referred to our concern at what happened on 25 June 1996 at 9.24 a.m., when a United States Government aircraft flying within the Havana FIR, without due coordination, jeopardized air navigation in this region.

Once again, on 11 July 1996 at 9.24 a.m., Cuba's radar system detected the flight of an unknown aircraft operating in the Havana flight information region (HAVANA FIR).

At 9.30 hours, as is now usual, the Havana ATC sent a message to the Miami ATC, reporting the presence of said aircraft in the FIR and requesting information and cooperation to identify that flight. In its message, the Havana ATC provided the coordinates, speed, course, transponder code used by the unknown aircraft, and its origin. At 9.59 a.m., a reply from the Miami ATC was received indicating that it was a "United States Government aircraft operating at request in the area, with transponder code 5400".

Since the flight of the unknown aircraft belonging to the United States Government continued, at 11.36 a.m. the Havana ATC sent the Miami ATC a second message in which it reiterated that the aircraft, coming from the Miami FIR, was still flying perilously without contacting the Havana ATC, crossing international corridors and coming dangerously near to three civilian aircraft in transit within the Havana FIR despite the actions taken by Cuba's Air Traffic Service. We reiterate our concern at these increased flights and the need for appropriate coordination of activities that pose a potential danger to civil aircraft operations.

At 9.33 a.m., a Boeing-737, of TACA International Airlines on Flight No. 370 en route from Belize to Miami, flight level 290, sighted a United States Government aircraft when both were approximately 25 nautical miles south of MAXIM.

A second Boeing-737, belonging to Líneas Aéreas Costarricenses (LACSA), on the Flight No. LRC-629, en route from Miami to Managua, at 10.39 a.m., came across a United States Government aircraft at flight level 290, less than five nautical miles away, on a position approximately 20 nautical miles south of TADPO.

The captain of LRC-629 reported sighting a DC-8 - or Boeing-707-type aircraft. At 10.54 a.m., a third Boeing-757-type aircraft belonging to the United States Challenger Air Cargo airline, Flight No. CWC-095, en route from

Miami to Guayaquil, at flight level 302 feet, climbing to 330 feet, south of URSUS, came across a United States Government aircraft only five nautical miles away.

We hope that the necessary measures will be taken in view of the increased frequency of these flights by United States Government aircraft within Cuba's FIR without due coordination, and reiterate the need to prevent an air disaster in the region.

I am enclosing herewith a copy of the messages exchanged between the Havana ATC and the MIAMI ATC (see attachment).

(Signed) Rogelio ACEVEDO GONZÁLEZ
Division General
President of the Institute of
Civil Aeronautics of Cuba

ATTACHMENT

Text of the exchange of messages between the Havana Air Traffic Control Centre and the Miami Air Traffic Control Centre on 11 July 1996

1. First message sent by the Havana ATC to the Miami ATC

At 1330 hours UTC, 11 July 1996, we detected an unknown aircraft in the vicinity of coordinates 2335 N/8425 W, speed 370 Kts, Fl 300, heading 090 degrees SSR, code 5400, apparently proceeding from your FIR.

Request please any available information on this flight. We appreciate your cooperation. Thanks.

2. Reply from the Miami ATC to the first message of the Havana ATC

United States Government aircraft operating due regard in this location, code 5400.

3. Second message sent by the Havana ATC to the Miami ATC a/

Since 1400 hours UTC, 11 July 1996, we have observed an unknown aircraft transponder code 1200, flight level 350, overflying TADPO.

Request any available information on this flight.

4. Reply sent by the Miami ATC to the second message of the Havana ATC

With reference to your phone and teletype inquiries on unknown aircraft, United States Government aircraft operating in warning area 174 C.

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a/ This message belongs to another aircraft using a VFR (visual flight regulations) code, apparently at high speed, which was seen when the aircraft with transponder code 5400 entered the area of TADPO.

5. Third message from the Havana ATC sent to the Miami ATC

Since 1330 UTC, an unknown aircraft entered into Havana FIR proceeding from Miami FIR without communication with Havana ACC. Flying from west to east and vice versa, crossing throughout international routes in Havana FIR at a flight level of 300 according to mode C. This flight until now has crossed the trajectory of several civilian aircraft in some cases there have been hazardous approaches. The first time was with LRC-629, 20 nautical miles south of TADPO, B727 KMIA/MNMG at a flight level of 290 with 5 nautical miles separation at 1439. The second was CWCO 95 30 nautical miles south of URSUS B757 KMIA/SEGU at a flight level of 302, climbing Fl 330 less than 5 nautical miles separation at 1554 UTC.

In response to our request, Miami ATC informed us that it was a Government aircraft operating due regard and they had not communication with it.

We are concerned about the increase of these flights that approach civilian aircraft.

It has become extremely necessary to coordinate these flights.

End.